

WATER PERMIT NO. 7812-3

Name of Applicant: Dennis Namminga

Address: 40632 315th St, Springfield SD ⁵7062 Phone: 605 369-2338

Amount of Water Claimed: 2.22 cfs Total Acres: 120

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Bon Homme

Type of Waste Disposal System:

Location: 8 miles southwest of Springfield

PRIORITY Date Received: 3-28-13 Application/License Fee: \$ 950

Corrected Application Received: Period of Annual Use: April 1- Nov 30

Remarks: Utilizing diversion point authorized by Water Right Nos. 2442-3 and 6448-3

Diversion Point: NE 1/4 SW 1/4 Sec 8-T92N-
R61W

Land to be Irrigated: SW 1/4 NE 1/4, N 1/2 SE 1/4
Sec 32 and N 1/2 SW 1/4 Sec 33; all in T93N-
R61W

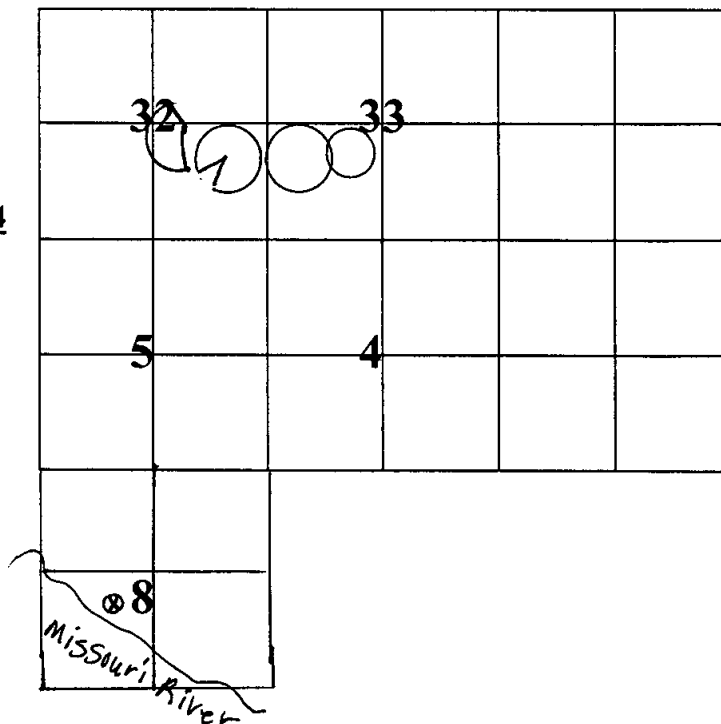
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:



Reviewed and the Number Assigned on: 3-28-13

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7812-3</u> (office use only)	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	<u>605-569-2441</u>
	Newspaper <u>Springfield Times Box 465 Springfield 57062</u>	<u>605-665-7811</u>
	<u>Preser Dakota</u>	<u>319 Walnut 57078-yanbton</u>

RECEIVED

MAR 28 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6448-3
(Use predates Mar 2, 1955) 2442-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Dennis Namminga
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)
Mailing Address 40632 315th St Springfield SD 57062
(Address) (City) (State) (Zip Code)
Home Phone 605-369-2338 Cell _____ Email dmnamm@gwtc.net
2. Amount of water claimed no add CFS or no add **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Missouri River
4. Location of point of diversion Same as diversion # 2442-3 & 6448-3
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE1/4 SW1/4 Sec 8 - T92N - R61W County Bon Homme
5. County or counties where water will be used Bon Homme
6. Annual period during which water is to be used April 1st - Nov. 30th
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

SW1/4 NE1/4 and Description	Acres	Land Description	Acres
NW 1/4 SE 1/4 S 32, T 93 N, R 61 W	17		
NE 1/4 SE 1/4 S 32, T 93 N, R 61 W	30		
NW 1/4 SW 1/4 S 33, T 93 N, R 61 W	40		
NE 1/4 SW 1/4 S 33, T 93 N, R 61 W	33		

8. Give a description of the project. (Attach sheet if more space is needed)
4 additional pivots to irrigate the above land description, using existing diversion and permit number 2442-3 and 6448-3 to irrigate additional 120 Acs

I, Dennis Namminga, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7812-3**

Date of first receipt of application March 28, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7812-3 to Dennis Namminga, 40632 315th St, Springfield SD 57062 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7812-3 authorizes irrigation of 120 additional acres. Water Right Nos. 2442-3 and 6448-3 authorize 4.66 cubic feet of water per second from the Missouri River located in the NE 1/4 SW 1/4 Section 8-T92N-R61W. This permit authorizes irrigation of 120 new acres located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 Section 32 and the N 1/2 SW 1/4 Section 33; all in T93N-R61W utilizing the existing Missouri River diversion point authorized by Water Right Nos. 2442-3 and 6448-3. This permit does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is March 28, 2013.
4. The date of approval of Permit No. 7812-3 is June 17, 2013.
5. One-fifth of the construction is to be completed on or before December 17, 2015.
6. All construction is to be completed on or before June 17, 2018.
7. Water is to be put to beneficial use on or before June 17, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Jeanne Goodman

Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 05 2013

date



RECEIVED

Date: 3/15/2013

Customer(s): DENNIS NAMMINGA

MAR 28 2013

WATER RIGHTS
PROGRAM

Field Office: TYNDALL SERVICE CENTER

Agency: USDA-NRCS

Assisted By: MARK ROHLFING



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/28, 20 13

RECEIVED OF Dennis Namminga 40632 315th St Springfield SD 57062

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>7812-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7812-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	950 00

No. **06268**

By 
Chief Engineer

Rath, Mark

From: Rath, Mark
Sent: Thursday, April 11, 2013 1:12 PM
To: Rath, Mark
Subject: Water Permit Application No. 7812-3

On 4/11/13, I talked to Dennis Namminga concerning his application and the diversion rate listed. He said he did not intend to increase the diversion rate with this application he would utilize the same pumping system that is currently authorized under Water Right Nos. 2442-3 and 6448-3 without an increase in the diversion rate.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7812-3, Dennis Namminga**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7812-3, Dennis Namminga, 40632 315th Street, Springfield SD 57062.

The Chief Engineer is recommending APPROVAL of Application No. 7812-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 28, 2013

REPORT ON WATER PERMIT APPLICATION NO. 7812-3

Dennis Namminga

April 11, 2013

Application No. 7812-3 proposes to irrigate 120 additional acres. Water Right Nos. 2442-3 and 6448-3 authorize 4.66 cubic feet of water per second from the Missouri River located in the NE 1/4 SW 1/4 Section 8-T92N-R61W. This application proposes to irrigate an additional 120 acres located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 Section 32 and the N 1/2 SW 1/4 Section 33; all in T93N-R61W utilizing the existing Missouri River diversion point authorized by Water Right Nos. 2442-3 and 6448-3. This application, if approved, does not authorize any increase in the developed diversion rate. The proposed project is located approximately eight miles southwest of the town of Springfield in southern Bon Homme County.

Review of the Water Source

The water source for this application is from the natural flow of the Missouri River in the reach downstream from Ft. Randall Dam along the southern border of Bon Homme County.

Flow in the Missouri River in this reach is controlled by releases from Ft. Randall Dam located at Pickstown SD. The U.S. Army Corps of Engineers (USACE) constructed Ft Randall Dam in the late 1940's and early 1950's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams: Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included.

Review of Existing Water Rights

There are 262 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1279.71 cfs. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This application proposes to irrigate an additional 120 acres authorized by Water Right Nos. 2442-3 and 6448-3 with no additional diversion rate
2. The water source for this project is the natural flow of the Missouri River in the reach below Ft. Randall Dam.
3. Water availability for this project will not be a problem.



Mark D. Rath

Natural Resources Engineering III

Affidavit of Publication

RECEIVED

JUN 10 2013

WATER RIGHTS PROGRAM

State of South Dakota }
County of Bon Homme } SS

Rebecca Tycz.....Being first duly sworn says that the **Springfield Times** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Springfield, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Springfield, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice on Application

66 e 37.2

a printed copy of which is hereto attached, was printed and published in said newspaper for one successive weeks, upon the following dates:

<u>June 5</u> 20 <u>13</u>	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, 24.55..., inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tycz, publisher
Subscribed and sworn to before me this 5th day of June 2013.....
Gregory Schelske
Notary Public, South Dakota

My commission expires Oct 24, 2015

NOTICE OF APPLICATION NO. 7812-3 to Appropriate Water

Notice is given that Dennis Namminga, 40632 315th St, Springfield SD 57062 has filed an application for a water permit to irrigate 120 additional acres. Water Right Nos. 2442-3 and 6448-3 authorize 4.66 cubic feet of water per second from the Missouri River located in the NE 1/4 SW 1/4 Section 8-T92N-R61W. This application proposes to irrigate 120 new acres located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 Section 32 and the N 1/2 SW 1/4 Section 33; all in T93N-R61W utilizing the existing Missouri River diversion point authorized by Water Right Nos. 2442-3 and 6448-3. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7812-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 17, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
Department of Environment and Natural Resources.

Published once at the total approximate cost of \$24.55

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JUN 10 2013
WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

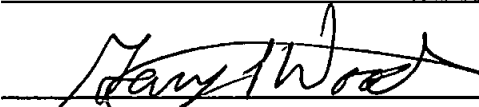
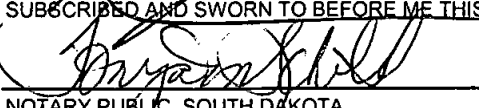
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

GARY WOOD BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE PUBLISHER OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7812-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 5th DAY OF June 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$28.46 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 6/5/2013

FILED ON: 6/5/2013


SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF June 2013

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

6-5
NOTICE OF APPLICATION
NO. 7812-3 to Appropriate Water

Notice is given that Dennis Nam-
minga, 40632 315th St, Spring-
field SD 57062 has filed an appli-
cation for a water permit to irri-
gate 120 additional acres. Water
Right Nos. 2442-3 and 6448-3
authorize 4.66 cubic feet of water
per second from the Missouri
River located in the NE 1/4 SW
1/4 Section 8-T92N-R61W. This
application proposes to irrigate
120 new acres located in the SW
1/4 NE 1/4, N 1/2 SE 1/4 Section
32 and the N 1/2 SW 1/4 Section
33; all in T93N-R61W utilizing
the existing Missouri River diver-
sion point authorized by Water
Right Nos. 2442-3 and 6448-3.
This application, if approved,
does not authorize any increase in
the developed diversion rate.

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Chief Engineer recommends AP-
PROVAL of Application No.
7812-3 because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully im-
paired, 3) it is a beneficial use of
water, and 4) it is in the public in-
terest. In accordance with SDCL
46-2A-23, the Chief Engineer will
act on this application, as recom-
mended, unless a petition is filed
opposing the application or the
applicant files a petition contest-
ing the Chief Engineer's recom-
mendation. If a petition opposing
the application or contesting the
recommendation is filed, then a
hearing will be scheduled and the
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of the hearing will be given to the
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petition.

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or supporting this application or
recommendation must file a writ-
ten petition with BOTH the appli-
cant and Chief Engineer. The ap-
plicant must file a petition if con-
testing the Chief Engineer's rec-
ommendation. The Chief Engi-
neer's address is "Water Rights
Program, Foss Building, 523 E
Capitol, Pierre SD 57501 (605
773-3352)" and the applicant's
mailing address is given above. A
petition filed by either an inter-
ested person or the applicant must
be filed by June 17, 2013.

The petition may be informal, but
must include a statement describ-
ing the petitioner's interest in the
application, the petitioner's rea-
sons for opposing or supporting
the application, and the signa-
ture and mailing address of the pe-
titioner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund at
the above Water Rights Program
address to request copies of infor-
mation pertaining to this applica-
tion. Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Published once at the total ap-
proximate cost of \$



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 29, 2013

Springfield Times
PO Box 465
Springfield SD 57062

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7812-3 to Appropriate Water. Please publish the notice once on June 5, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Dennis Namminga, 40632 315th St, Springfield SD 57062 (Ph # 605-369-2338).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 29, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

May 29, 2013

Dennis Namminga
40632 315th St
Springfield SD 57062

Dear Mr. Namminga:

Water Permit Application No. 7812-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Springfield Times printed at Springfield SD (Ph # 605-369-2441) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on June 5, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7812-3 to Appropriate Water

Notice is given that Dennis Namminga, 40632 315th St, Springfield SD 57062 has filed an application for a water permit to irrigate 120 additional acres. Water Right Nos. 2442-3 and 6448-3 authorize 4.66 cubic feet of water per second from the Missouri River located in the NE 1/4 SW 1/4 Section 8-T92N-R61W. This application proposes to irrigate 120 new acres located in the SW 1/4 NE 1/4, N 1/2 SE 1/4 Section 32 and the N 1/2 SW 1/4 Section 33; all in T93N-R61W utilizing the existing Missouri River diversion point authorized by Water Right Nos. 2442-3 and 6448-3. This application, if approved, does not authorize any increase in the developed diversion rate.

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Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUL 05 2013

Dennis Namminga
40632 315th St
Springfield SD 57062

Dear Mr. Namminga:

Enclosed is Water Permit No. 7812-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

7812-3
RECEIVED

JUL 30 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-26-14TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Dennis Namminga
(name)
406 32 35 TH ST
(address)
Springfield S.D. 57062 605 369 2338
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

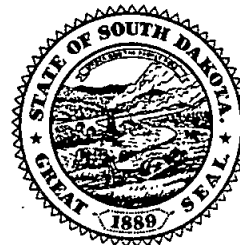
Water Permit No. 7812-3 states that the water use system is to be constructed by
June 17 - 2018 and water is to be put to beneficial use by June 17 2022
(date) (date)

The water use system was completed on 7-1-2014
(date)

Applying the water to beneficial use was completed on 7-1-2014
(date)

You may schedule an investigation so that the water license may be issued.

Dennis Namminga
(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



July 30, 2014

7812-3

Dennis Namminga
40632 315th St
Springfield SD 57062

Dear Mr. Namminga:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7812-3

I have this day, April 17, 2020, made a thorough examination of the water use system constructed by Dennis Namminga, 40632 315 St., Springfield, SD 57062, holder of Permit No. 7812-3, bearing the priority of March 28, 2013 authorizing the diversion of 0.0 cu. ft. per second of the waters of surface water (Missouri River) for the irrigation of 120 acres located in Bon Homme County.

Inspection contact: Dennis Namminga, Owner, and Mark Namminga

A. Works used to divert the water:

Pump: (information from licensed Water Permit No. 6448-3)

- 1) Make: Cornell
- 2) Model: 3A365TTDS4051APW
- 3) Capacity: 1,000 GPM

Motor: (information from licensed Water Permit No. 6448-3)

- 1) Make: Unknown
- 2) Model No.: Unknown
- 3) Horsepower rating: 75 hp

B. Works used to transport water to place of use:

- | | | | |
|-----------------------|--------------------------------|----------------------------------|-------------------------------|
| Pipe with this Permit | 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>~ 7,570</u> feet |
| Existing Pipe | 1) Type <u>PVC & Steel</u> | 2) Size <u>8 & 12</u> inches | 3) Length <u>~19,500</u> feet |

C. Works used to apply water to beneficial use: (for No. 7812-3)

West Center Pivot

- 1) Make: Valley
- 2) Overall length: 848 feet
- 3) Number of towers: 6
- 4) End gun: Yes
- 5) Capacity: 500 GPM

Chemigation Equipment:

- 1) Does chemigate: No

East-Middle Center Pivot

- 1) Make: Valley
- 2) Overall length: 532 feet
- 3) Number of towers: 4
- 4) End gun: Yes
- 5) Capacity: 500 GPM

Chemigation Equipment:

- 1) Does chemigate: No

West-Middle Center Pivot

- 1) Make: Valley
- 2) Overall length: 638 feet
- 3) Number of towers: 5
- 4) End gun: Yes
- 5) Capacity: 500 GPM

Chemigation Equipment:

- 1) Does chemigate: No

East Center Pivot

- 1) Make: Valley
- 2) Overall length: 528 feet
- 3) Number of towers: 4
- 4) End gun: Yes
- 5) Capacity: 500 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: One acre in the SE1/4SE1/4 of Sec. 32-T93N-R61W is being irrigated that was not listed in the permit. However, this land is adjacent to the land shown in the permit and is owned by Mr. Namminga.

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
Missouri River Intake: 2,640 feet south and 3,957 feet west of the northeast corner of Section 8-T92N-R61W (Latitude 42.80054, Longitude -98.08434 – NE1/4, from licensed Water Permit No. 6448-3)
- 2) The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 32-T93N-R61W</u>		<u>Section 33-T93N-R61W</u>	
<u>SW1/4NE1/4</u>	<u>8 acres</u>	<u>NW1/4SW1/4</u>	<u>27 acres</u>
<u>NW1/4SE1/4</u>	<u>15 acres</u>	<u>NE1/4SW1/4</u>	<u>26 acres</u>
<u>NE1/4SE1/4</u>	<u>28 acres</u>		
<u>SE1/4SE1/4</u>	<u>1 acre</u>		

comprising a total of 105 acres of land.

- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: Water Permit No. 7812-3 irrigates 105 acres at a rate of 2.22 cfs. Two of the pivots are operated at the same time using 1.11 cfs each. The water for this permit is pumped from the same diversion point and through some of the same piping that is used and authorized by licensed Water Right Nos. 2442-3 and 6448-3. This permit did not increase the existing developed diversion rate. The west-middle center pivot irrigates one acre in the SE1/4 of the SE1/4 of Section 32-T93N-R61W. This land was not included in Water Right No. 7812-3, but the land is adjacent to the permitted land and is owned by Mr. Namminga.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: April 23, 2020

The applicable portions of Water Right No. 2442-3 are going to be incorporated into Water License No. 7812-3. See Page 3 for acreage and priority date breakdown taken from No. 2442-3. The field investigation found all the original licensed acreage still being irrigated. Specific information on existing pivot types and capacities are contained in the inspection report within No. 2442-3. Genny

Acreage from Water Right No. 2442-3:

Section 4, T92N, R61W

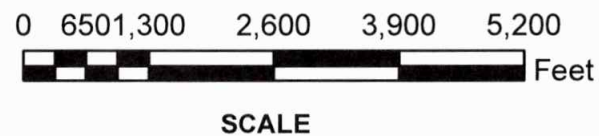
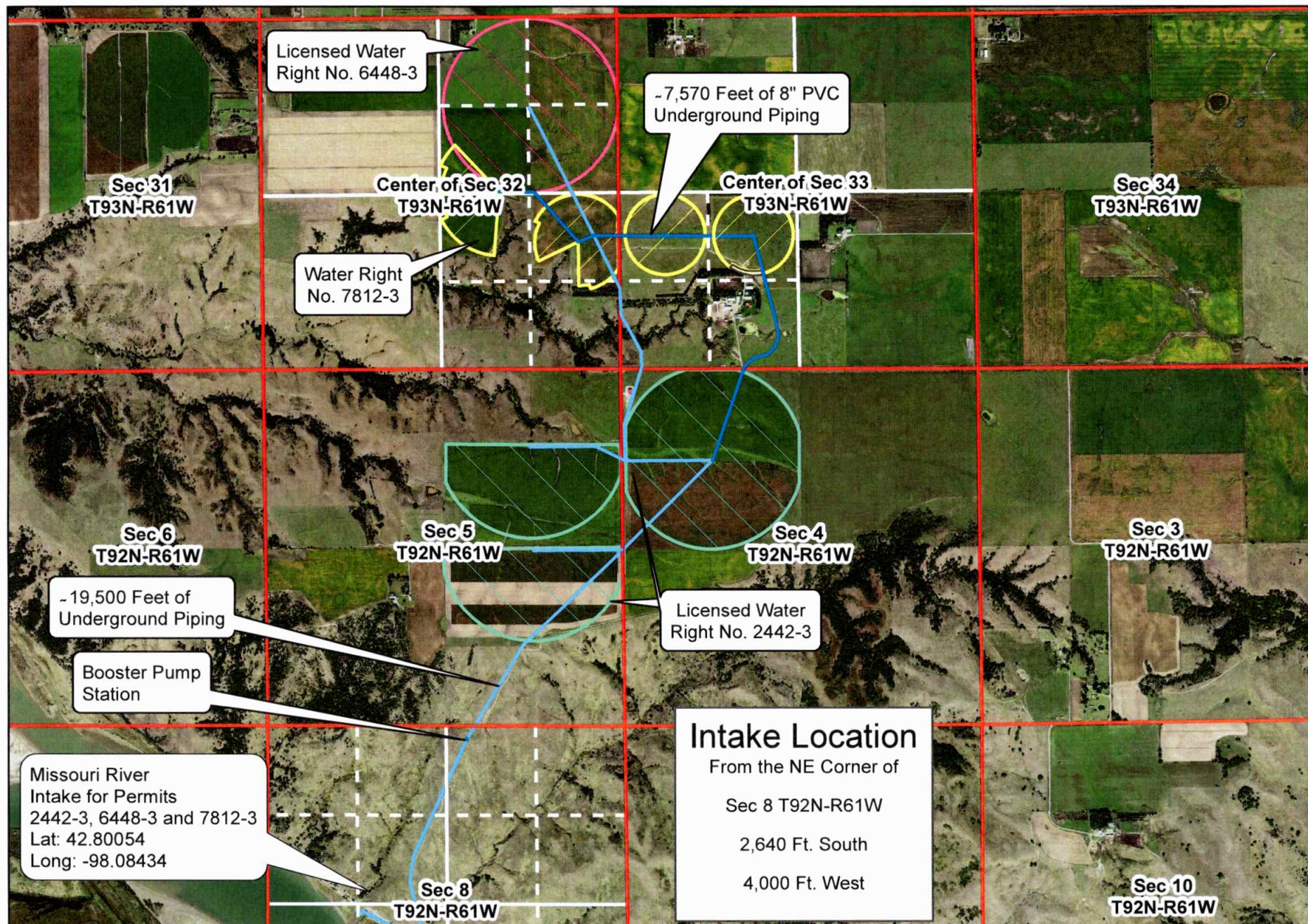
NW ¼ NW ¼	34 acres
NE ¼ NW ¼	34 acres
SW ¼ NW ¼	39 acres
SE ¼ NW ¼	39 acres
NW ¼ SW ¼	23 acres
NE ¼ SW ¼	8 acres

Section 5, T92N, R61W

NW ¼ NE ¼	6 acres	NW ¼ SE ¼	38 acres
NE ¼ NE ¼	6 acres	NE ¼ SE ¼	35 acres
SW ¼ NE ¼	38 acres	SW ¼ SE ¼	4 acres
SE ¼ NE ¼	38 acres		

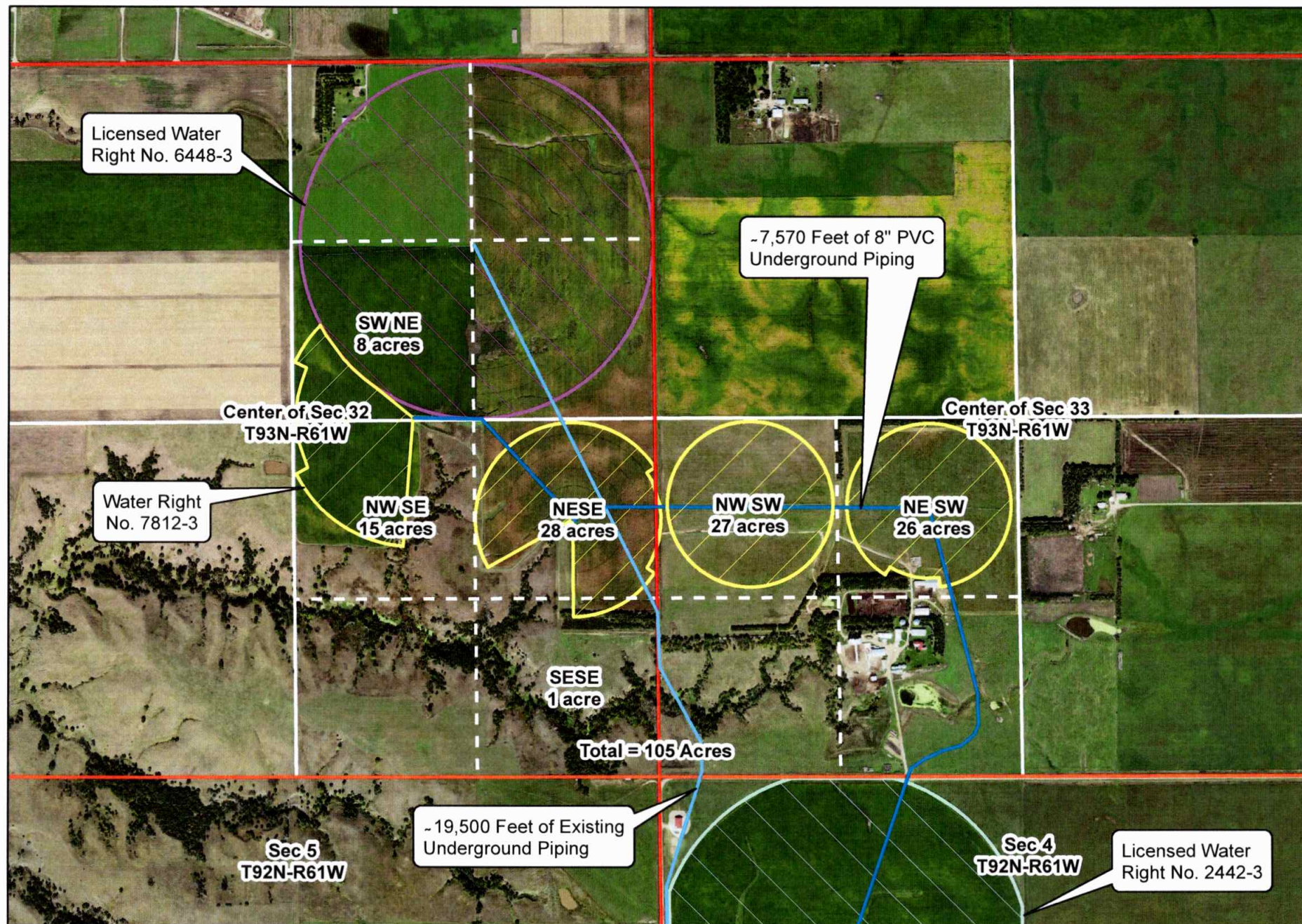
Diversion rate: 2.89 cfs; 342 acres**Priority date December 1, 1975**

Water Right No. 7812-3 Exhibit B



Keith DeJong
Keith DeJong, PE
Staff Engineer
April 23, 2020

Water Right No. 7812-3 Exhibit A



0 330 660 1,320 1,980 2,640
Feet

SCALE



Keith DeJong
Keith DeJong, PE
Staff Engineer
April 23, 2020

Licensing of Acreage Outside of Permitted Area

NAME: Dennis Namminga**ADDRESS:** 40632 315th St Springfield SD 57062**DATE:** June 10, 2020**COUNTY:** Bon Homme**TELEPHONE:****AUTHORITY**

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The irrigated acres changed will be located in the SE ¼ of Sec 32T93N-R61W as originally permitted. The location of all the acres currently irrigated:

Section 32-T93N-R61W**SW1/4NE1/4** **8 acres****NW1/4SE1/4** **15 acres****NE1/4SE1/4** **28 acres****SE1/4SE1/4** **1 acre*****Section 33-T93N-R61W****NW1/4SW1/4** **27 acres****NE1/4SW1/4** **26 acres**

The acreage developed for irrigation is **105** acres as compared to **120** acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes

- **Owned by Same Property Owner**

Yes

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the **1** acre area be included in the water license.



Mark D Rath, Natural Resources Engineer

Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Eric Gronlund, Chief Engineer

Water Rights Program

7812-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUL 05 2022

7812-3
2442-3

Dennis Namminga
40632 315th St
Springfield SD 57062

Dear Mr. Namminga:

Enclosed is Water License No. 7812-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 2442-3 were incorporated into Water License No. 7812-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7812-3**

(1) Dennis Namminga, 40632 315th St, Springfield SD 57062 made Application No. 7812-3, March 28, 2013, for a water permit to irrigate an additional 120 acres from the existing Missouri River pump site utilized under Water Right Nos. 2442-3 and 6448-3. Permit No. 7812-3 did not authorize an increase in the developed diversion rate. The project is located in Bon Homme County, South Dakota. Permit No. 7812-3, with a priority date of March 28, 2013, was approved June 17, 2013, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 17, 2018, and for the application to beneficial use of water on or before June 17, 2022.

An investigation conducted for licensing purposes found one acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T93N, R61W located outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

The existing diversion point utilized by Water Permit No. 7812-3 is authorized under Water Right No. 2442-3. No. 2442-3, with a priority date of December 1, 1975, authorizes diversion of 2.89 cubic feet of water per second to irrigate 342 acres located in portions of Sections 4 & 5, T92N, R61W.

The applicable portions of Water Right No. 2442-3 are incorporated into Water License No. 7812-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.89 cubic feet of water per second for beneficial use. The location of the Missouri River intake is:

2,640'S & 3,957' W of the NE corner of Section 8, T92N, R61W (NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 8)
Latitude 42.80054, Longitude -98.08434

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a total of 447 acres located as follows:

Section 4, T92N, R61W

NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	23 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	8 acres

Section 32, T93N, R61W

SW $\frac{1}{4}$ NE $\frac{1}{4}$	8 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	15 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	28 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1 acre

Section 5, T92N, R61W

NW $\frac{1}{4}$ NE $\frac{1}{4}$	6 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	6 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	35 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	4 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	38 acres		

Section 33, T93N, R61W

NW $\frac{1}{4}$ SW $\frac{1}{4}$	27 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26 acres

The land in Sections 4 and 5, T92N, R61W retains a priority date of December 1, 1975 (342 acres)
The land in Sections 32 and 33, T93N, R61W retains a priority date of March 28, 2013 (105 acres)

continued

Water License No. 7812-3

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dennis Namminga, 40632 315th St, Springfield SD 57062 the holder and/or owner of Incorporated Water Right No. 7812-3 is issued a license to appropriate water, the right to use 2.89 cubic feet of water per second from the Missouri River with priority dates of December 1, 1975 (2.89 cfs and 342 acres) and March 28, 2013 (105 acres) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7812-3 and subject to the following qualification:

- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 05 2022

date

